

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BRIAN MICHAEL BUEHRLE,)	
)	
Movant,)	
)	
v.)	No. 4:08CV443 HEA
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Movant's Motion to Reconsider the Court's Order denying as moot Movant's Motion for Leave to Proceed *In Forma Pauperis*, [Doc. No. 9]. Movant seeks pauper status in order to pursue his motion to vacate or set aside his sentence pursuant to 28 U.S.C. § 2255.

The Court notes that a prisoner has no absolute right to a transcript to assist him in the preparation of a collateral attack on his conviction, and constitutional requirements are met by providing such materials only after judicial certification that they are required to decide the issues presented by a non-frivolous pending case. *United States v. Lewis*, 605 F.2d 379, 379 (8th Cir. 1979) (citing *United States v. MacCollom*, 426 U.S. 317 (1976)). The Court has, however, granted Movant's Motion for transcripts. As such, Movant has not demonstrated a need at this point for this Court's determination that he should be granted pauper status. As a result,

the motion for reconsideration will be denied.

Accordingly,

IT IS HEREBY ORDERED that Movant's Motion for Reconsideration of the denial of his Motion for Leave to Proceed *In Forma Pauperis*, [Doc. No. 9], is **DENIED**.

Dated this 24th day of June, 2008.

A handwritten signature in cursive script, reading "Henry Edward Autrey", written in black ink.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE